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SUBJECT: Djindjic Trial Update

¶1. (SBU) Summary: The trial of the accused assassins of former Prime Minister Zoran Djindjic is still on track to conclude this fall. The Embassy's RLA continues to closely monitor the trial and further enhance the capacity of these special institutions. While observers continue to believe that a conviction will be secured, recent events have led to the possibility of increased complications at the appellate level. End Summary.

¶2. (SBU) One of the final pieces of evidence to be presented in court is the testimony of the ballistic experts from Wiesbaden, Germany explaining their forensic report. While the details have yet to be decided, it seems likely that the German team will present their evidence through Digital Video link rather than appearing in person (Note: The Germans have related to emboff that they are reluctant to come to Belgrade to testify for fear of political manipulation. End Note). The defense team has repeatedly raised objections over the Germans' original plan to simply submit their report to the Serbian Special Tribunal without giving personal testimony, as is usual in the German legal system, due to the fact that the defense would not have the opportunity to cross-examine the experts. This complaint is largely seen as part of a wider effort of the defense to discredit the proceedings in an attempt to win grounds for appeal. However, observers are hopeful that the solution of the Digital Video link combined with the general thoroughness and professionalism of Chief Judge Marko Kljajevic will prevent the defense lawyers from successfully challenging the court's decision.

¶3. (SBU) Even absent the issue of the DVC link, it is likely that the defense team will appeal the verdict to Q Supreme Court (assuming, as most indications predict, the court returns a guilty verdict). If on appeal the Supreme Court does not uphold the judgment, but remands the case for retrial, new complications stemming from the murder of key witness Zoran Vukojevic on June 3 could impede a second conviction. In case of a different trial panel that could be seated on the re-trial, a reading of Vukojevic's trial statement would require consent of all parties, which probably would not be obtained from the defense counsel. The trial panel could still evaluate his testimony as important and re-enter it into the record even without everyone's consent, which again could be used in the appellate process. Also, the murder has the potential to deter other witnesses from continuing their cooperation.

¶4. (SBU) Meanwhile, incarcerated Zemun Clan member Dejan Milenkovic, aka Bugsy, has stated to officials that former clan leader Dusan Spasojevic, now deceased, had called for the murder of anyone suspected of cooperating with the police. Milenkovic also claims to know who carried out the murder of Vukojevic as well as the whereabouts of the indictees still not apprehended by the police. Judge Kljajevic recently awarded witness collaborator status to Milenkovic, which may prolong the trial for a few months. The fact that Judge Kljajevic had previously denied the Organized Crime Prosecutor's application for witness collaborator status for Milenkovic may indicate that Milenkovic "offered" more corroborating

testimony this time. The timing is also good for Milenkovic because he will still get the full immunity in exchange for his testimony, which will no longer be possible after the new Criminal Procedural Code enters into force next year.

15. (SBU) Comment: In a related case of the assassination of former President Ivan Stambolic and the attempts to assassinate Vuk Draskovic, the Supreme Court of Serbia upheld the guilty verdict against Milorad Ulemek "Legija" (who is also on trial for the Djindjic assassination). Although Legija's 40 year conviction has been upheld, he has the right to another appeal to the Supreme Court because his conviction was the most severe punishment available under Serbian law. The conviction of Legija in the Djindjic trial could not extend jail time for Legija because under Serbian law sentences do not accumulate and cannot be made to run consecutively. Even with convictions in the other two cases though, a conviction in the Djindjic case will still be important to provide closure in Serbia to a recent past of political violence. A failure to convict would renew speculations of secret deals and conspiracies involving, potentially, sitting government officials. End Comment.

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